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VIA ELECTRONIC CASE FILING

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, New York 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*
03 MDL 1570 (GBD)(SN)

Dear Magistrate Judge Netburn:

I write in response to the letter filed last night by Mr. Carter on behalf of the *Federal Insurance Burnett and O'Neill* plaintiffs. In his letter, Mr. Carter pushes the Court again to enter a judgment on behalf of the *Federal Insurance* plaintiffs in order to purportedly set up this lawyers' "deal". He misses the point that as far as communication is concerned, counsel for those plaintiffs who have created their own "deal" still, as I write this letter, have not communicated the specifics of this "deal" beyond their own group.

We respectfully ask that Mr. Carter set forth, in writing, what the law firms in this "deal" will receive from the \$3.5 billion, how much each of their clients will receive, whether all of their clients have agreed to participate in this arrangement, how much money they say the 9/11 family members who are not part of this deal will receive, and the legal authority under which these lawyers have the right to make a determination as to the equitable distribution of this limited pool of money. These are but a few of the questions being raised by all concerned 9/11 families.

Apparently, the rumors are rampant amongst the families. A few of these include that Mr. Carter's judgment will give his property damage insurance companies \$500 million dollars that should otherwise be used to compensate the 9/11 wrongful death families, and another is that 47 families of the *Havlish* plaintiffs group will receive tens of millions of dollars each while the remaining thousands of plaintiffs will receive nothing or a mere fraction of that amount as decided by these lawyers. Mr. Carter needs to set forth the specifics of the "deal" he and his fellow counsel have agreed to in writing to this Court and the members of the 9/11 family community.

It is clear from President Biden's Executive Order and the White House's accompanying Fact Sheet¹ that it is the intent of the Administration that \$3.5 billion dollars would be held subject to "ongoing litigation by U.S. victims of terrorism". The White House emphasized its concern as to the victims' rights with its statement that "[p]laintiffs will have a full opportunity to have their claims heard in court" (emphasis added). The lawyers' agreement attempts to circumvent plaintiffs' rights to a full exposition of their claims, and ignores the need for a fair and equitable distribution of the blocked assets.

The lawyers' "deal" entered into by the *Federal Insurance, Burnett and O'Neill* plaintiffs is an impossible situation for both this court and all of the lawyers representing the 9/11 families. It is being created simply because a few lawyers want to enter into a "deal" for their own purposes when it is, in fact, neither a legal or ethical agreement because it does not fairly and equitably provide compensation to each of 9/11 victims and their families. The only way equity can even be attempted would be through the appointment of an independent Special Master or Masters to fairly and objectively evaluate and distribute this limited pool of money as has been done in other pieces of complex mass litigations, or through the deposit of the money allocated for the claims of terror victims into the USVSST Fund or a similar vehicle.

Our clients, and many, many more of the 9/11 victims' families oppose any agreement that is not the result of an independent evaluation and distribution conducted by an unbiased third party or the establishment of an administrative vehicle through which each surviving family member is treated equitably.

Respectfully submitted,

Michel F. Baumeister

cc: Honorable George B. Daniels (via ECF)
All MDL Counsel of Record (via ECF)

¹Exec. Order No.14064, 87 Fed. Reg. 8391 (Feb. 11, 2022); *see also* <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/11/fact-sheet-executive-order-to-preserve-certain-afghanistan-central-bank-assets-for-the-people-of-afghanistan/>.